

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION**

UNITED STATES OF AMERICA

v.

JOHN DAVID TORAN

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CASE NO. 1:01-CR-00251-TH

**ORDER ADOPTING THE MAGISTRATE JUDGE'S
REPORT AND RECOMMENDATION**

The court referred a petition alleging violations of supervised release conditions to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The court has received and considered the Report of the United States Magistrate Judge filed pursuant to such order, along with the record, pleadings and all available evidence.

At the close of the revocation hearing, U.S. Magistrate Judge Zack Hawthorn recommended:

1. that the court find that the Defendant violated the second allegation in the petition that he failed to follow a mandatory condition of release;
2. that the Defendant's supervised release should be revoked pursuant to 18 U.S.C. § 3583; and
3. the Defendant should be sentenced to a term of 14 months' imprisonment with no supervised release to follow, which shall run consecutively to his state sentence of 25 years of imprisonment imposed by the 252nd District Court of Jefferson County, Texas. His term of imprisonment should be served at the Federal Correctional Institute in Beaumont, Texas, if the Bureau of Prisons can accommodate such request.

At the close of the revocation hearing, the Defendant, defense counsel and counsel for the Government each signed a standard form waiving their right to object to the proposed

findings and recommendations contained in the magistrate judge's report, consenting to revocation of supervised release and imposition of the sentence recommended. The Defendant also waived his right to be present with counsel and to speak at sentencing before the court imposes the recommended sentence.

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. It is therefore

ORDERED and **ADJUDGED** that the petition is **GRANTED** and John David Toran's supervised release is **REVOKED**.

Judgment and commitment will be entered separately, in accordance with the magistrate judge's recommendations.

So **ORDERED** and **SIGNED** August 6, 2019.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, Senior District Judge